

**RESOLUTION NO. 04-095**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 45, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83773**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 45, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83773**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 45, Main 24, War Industries Sewer, (north of 13th, east of Webb) 468-83773**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Fifteen Thousand Dollars (\$15,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2004**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**THE WATERFRONT ADDITION**

Two Tracts Comprising Lot 2, Block 2;

**TRACT "A"**

A tract of land lying in a portion of Lot 2, Block 2, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

All of said Lot 2; except; That portion dedicated for street right-of-way purposes as recorded on Film 2772, Page 12, in said county; and except; Beginning at the Northeast corner of said Lot 2, thence along the Easterly line of said Lot 2, S00°53'35"E, 233.36 feet; thence S89°06'25"W, 62.00 feet; thence N00°53'35"W, 18.39 feet; thence N75°25'53"W, 134.53 feet; thence N14°34'07"E, 77.29 feet; thence N01°03'56"W, 104.10 feet to the North line of said Lot 2; thence along said North line, N88°56'04"E, 171.37 feet to the Point of Beginning.

**TRACT "B"**

A tract of land lying in a portion of Lot 2, Block 2, The Waterfront Addition, an addition to

Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

Beginning at the Northeast corner of said Lot 2, thence along the Easterly line of said Lot 2, S00°53'35"E, 233.36 feet; thence S89°06'25"W, 62.00 feet; thence N00°53'35"W, 18.39 feet; thence N75°24'53"W, 134.53 feet; thence N14°34'07"E, 77.29 feet; thence N01°03'56"W, 104.10 feet to the North line of said Lot 2; thence along said North line, N88°56'04"E, 171.37 feet to the Point of Beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Tract A shall pay 65/100 of the total cost payable by the improvement district.

Tract B shall pay 35/100 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, March 2, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SCHOFIELD, CITY CLERK

(SEAL)